

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRAVIS TERRY,

Plaintiff,

CASE NO. 1:17-CV-671

v.

HON. ROBERT J. JONKER

WEST SHORELINE CORRECTIONAL
FACILITY, et al.,

Defendant.

_____ /

ORDER

This matter came up for hearing on April 5, 2018, on Defendants' Motion to Dismiss. For the reasons recited from the bench **IT IS ORDERED** that:

1. Defendant's motion (ECF No. 28) is **GRANTED IN PART** and **DENIED IN PART**.
2. Defendant Harry is **DISMISSED** as a party defendant from this case. Plaintiff will be dropping Defendant West Shoreline Correctional Facility, and substituting the Michigan Department of Corrections within 14 days of the Rule 16.
3. Counts III, IV, and VI of the Second Amended Complaint are **DISMISSED WITHOUT PREJUDICE** because the Court declines to exercise supplemental jurisdiction. To the extent Count IV (wrongful discharge) means to assert a claim implicating a collective bargaining agreement, it is preempted and dismissed with prejudice, as barred by the statute of limitations. *See DelCostello v. Int'l Bhd. of Teamsters*, 462 U.S. 151, 169 (1983); *Alongi v. Ford Motor Co.*, 386 F.3d 716, 723-24 (6th Cir. 2004).

4. Count V of the Second Amended Complaint is **DISMISSED WITH PREJUDICE** because it fails on the merits. *See* 42 U.S.C. § 1981a(b).

Date: April 6, 2018

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE